

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DR. RUSSELL FISHER, D.O.,

Plaintiff,

v.

UNUM GROUP, individually and d/b/a
Provident Life and Accident Insurance
Company,

Defendant.

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C.A. 4:15-cv-00394

INDEX OF STATE COURT FILED DOCUMENTS

Date Received / Filed

- | | | |
|----|--|----------|
| 1. | Docket Sheet from Collin County, Texas, 401st Judicial District | N/A |
| 2. | Plaintiff's Original Petition | 05/11/15 |
| 3. | Civil Case Information Sheet | 05/11/15 |
| 4. | Citation issued to Unum Group, individually and d/b/a Provident Life and Accident Insurance Company (unserved) | 05/13/15 |

Respectfully submitted,

By: /s/ Dennis M. Lynch
Dennis M. Lynch
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FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street, LB 125
Dallas, Texas 75202-3796
(214) 939-2000
(214) 939-2090 (Facsimile)

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested to Mr. J. Neal Prevost and Mr. Louis A. Shaff, Prevost and Shaff, 1518 Legacy Drive, Suite 260, Frisco, Texas 75034, on this the 11th day of June, 2015.

/s/ Dennis M. Lynch
Dennis M. Lynch

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Location : All Civil & Family Courts Help

REGISTER OF ACTIONS**CASE NO. 401-01850-2015****Dr. Russell Fisher, D.O. vs. Unum Group, individually and d/b/a Provident Life and Accident Insurance Company**\$
\$
\$
\$
\$Case Type: **All Other Civil Cases**Date Filed: **05/11/2015**Location: **401st District Court****PARTY INFORMATION**

Defendant	Provident Life and Accident Insurance Company	Lead Attorneys Pro Se
Defendant	Unum Group <i>Doing Business As</i> Provident Life and Accident Company	Pro Se
Plaintiff	Fisher, Russell, DO	J Neal Prevost <i>Retained</i> 972-239-6200(W)

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS	
05/11/2015	Plaintiff's Original Petition (OCA) \$283.00	
05/11/2015	Case Information Sheet	
05/13/2015	Request for Citation \$8.00	
05/13/2015	Jury Fee Paid \$30.00	
05/13/2015	Citation	
	Unum Group	Unservd
	Provident Life and Accident Insurance Company	Unservd
05/14/2015	Request for Copies \$	
05/15/2015	Request for Copies \$	

FINANCIAL INFORMATION

	Plaintiff Fisher, Russell, DO		
	Total Financial Assessment		331.00
	Total Payments and Credits		331.00
	Balance Due as of 06/08/2015		0.00
05/13/2015	Transaction Assessment		329.00
05/13/2015	Payment	Receipt # DC-20426-2015	(329.00)
05/14/2015	Transaction Assessment		1.00
05/14/2015	Payment	Receipt # DC-20603-2015	(1.00)
05/15/2015	Transaction Assessment		1.00
05/15/2015	Payment	Receipt # DC-20808-2015	(1.00)
		Figari and Davenport	

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Filed: 5/11/2015 4:45:38 PM
Andrea S. Thompson
District Clerk
Collin County, Texas
By Lucy Van De Loo Deputy
Envelope ID: 5238312

CAUSE NO.: 401-01850-2015

DR. RUSSELL FISHER, D.O.	§	IN THE DISTRICT COURT
	§	
Plaintiff	§	
	§	
vs.	§	_____ JUDICIAL DISTRICT
	§	
UNUM GROUP, individually and	§	
d/b/a Provident Life and Accident	§	
Insurance Company,	§	
	§	
Defendant	§	COLLIN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Dr. Russell Fisher, D.O., Plaintiff herein, complaining of UNUM GROUP, individually and d/b/a Provident Life and Accident Insurance Company, Defendant, and in support thereof would show unto the Court as follows:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 3 of the Texas Rules of Civil Procedure.

PARTIES

2. Plaintiff, Dr. Russell Fisher, D.O., is a citizen of the State of Texas who has resided at all time pertinent herein in Texas.

3. Defendant Unum Group, individually and d/b/a Provident Life and Accident Insurance Company, is a foreign corporation and has primary office in Collin County, Texas. Said Defendant, sometimes hereinafter referred to as "Unum," may be served with citation in this action through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION

4. Jurisdiction and venue are proper in this Court because the causes of action and/or damages asserted herein arose, in whole or in part, in Texas, and because the amount in controversy herein is within the jurisdictional limits of this Court.
5. Personal jurisdiction is proper as to the Defendant because of the frequency with which said Defendant conducts business in the State of Texas, and because of said Defendant's specific contacts with Plaintiff in this State and County in connection with the conduct which forms the basis of Plaintiff's causes of action herein.
6. Plaintiff Russell Fisher is an individual who is and at all times relevant to this action was a citizen of Texas.

NATURE OF SUIT

7. The parties are currently involved in a dispute over the duration of disability benefits to which Plaintiff is entitled under one or more existing policies of insurance issued by the Defendant or its predecessor in interest. Pursuant to Chapter 37 of the Texas Civil Practices and Remedies Code, Plaintiff herein seeks a declaratory judgment construing certain provisions of the policy or policies of insurance in question and determining certain rights held by Plaintiff under same. In the alternative, Plaintiff brings this suit under a breach of contract theory.

FACTS

8. Plaintiff has held one or more policies of insurance issued by the Defendant or its predecessor for many years. The policy or policies at issue herein provide for the payment of disability benefits under certain circumstances, with the duration of the benefits being dependent in part upon whether the condition giving rise to disability arose from a "sickness" or an "injury" and the age of the Plaintiff at the time that the disability arose.
9. In January of 2013, Plaintiff submitted a claim to Defendant for total disability benefits under the policy or policies of insurance at issue herein. Plaintiff contended that his disability arose from an injury and that benefits

therefore should be determined under the “injuries” provision(s) of the policy or policies in question.

10. On or about May 7, 2013, the Defendant issued an Initial Claim Decision wherein it determined that Plaintiff’s disability arose from a “sickness.” Despite being in possession of correspondence and medical records from no fewer than three (3) physicians who had examined Plaintiff and concluded that his disability arose from an “injury,” the Defendant reaffirmed its determination that said disability instead arose from a “sickness” by letter dated February 25, 2014. The import of this determination according to the Defendant was that Plaintiff would be entitled to receive disability benefits only through age sixty-five (65) rather than the lifetime benefits to which he would be entitled had the disability arisen due to an injury as alleged by Plaintiff.

COUNT I – SUIT FOR DECLARATORY RELIEF

11. Plaintiff re-alleges and by reference adopts all allegations contained in the preceding paragraphs.

12. The critical issue in the present dispute between the parties is whether Plaintiff’s disability benefit should be determined under the “sickness” or “injuries” provisions of the policy or policies in question. Plaintiff

therefore requests that this Court construe those provisions, as set forth in the policy, and determine Plaintiff's rights under same.

13. More specifically, Plaintiff requests that the Court interpret the provisions in question and determine following the review of all pertinent evidence whether Plaintiff's disability arose by virtue of a "sickness" or by virtue of "injuries" as those terms are set forth in the policy or policies in question. In the process of so doing, the Court will likewise be called upon to determine Plaintiff's rights under the policy or policies at issue herein.

14. In addition to the foregoing declaratory relief, Plaintiff further seeks recovery of attorney's fees, costs of court, and all other relief and damages authorized by Chapter 37 of the Texas Civil Practice and Remedies Code.

COUNT 2 – BREACH OF CONTRACT

15. Plaintiff re-alleges and by reference adopts all allegations contained in the preceding paragraphs.

16. In addition to or in alternative to the claim for declaratory relief set forth above, Plaintiff would show that he has made demand upon the Defendant for the payment of permanent disability benefits under the "injuries" provisions of the policy or policies in question, with said policy or policies constituting a written contract between the parties. Plaintiff would further show that the Defendant has refused and continues to refuse to provide

benefits to Plaintiff under the injuries provisions of the policy or policies at issue herein, choosing instead to insist that Plaintiff's disability arose from a "sickness" and that Plaintiff is therefore not entitled to benefits under the "injuries" provisions of the policy or policies in question.

17. Plaintiff would show that Defendant's refusal to afford benefits to Plaintiff under the "injuries" provisions of the policy or policies at issue herein constitutes a breach, or, in the alternative, an anticipatory breach, of Defendant's contract with Plaintiff. Accordingly, Plaintiff brings suit against Defendant for breach of contract damages as permitted by law in this state, including the recovery of reasonable attorneys' fees, in addition to all other relief and remedies requested elsewhere in this petition. Plaintiff alleges that he is entitled to exemplary damages as stated above.

JURY TRIAL DEMAND

18. Trial by Jury is demanded.

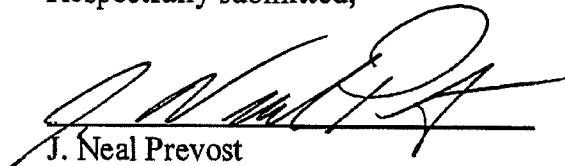
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this matter be set for trial, and that upon final hearing thereof that he have and recover prays that:

a) Declaratory relief as requested above.

- b) In the alternative, actual damages and/or other appropriate relief that may be shown for breach of contract;
- c) Attorney's fees;
- d) Pre-judgment and post-judgment interest as allowed by law;
- e) Costs of court; and
- f) All such other and additional relief, both general and special, at law or in equity, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,



J. Neal Prevost
State Bar No. 00788222
neal@prevostandshaff.com
Louis A. Shaff
State Bar No. 00797414
las@prevostandshaff.com
1518 Legacy Drive, Suite 260
Frisco, Texas 75034
(972) 239-6200
(972) 239-6205 (fax)

ATTORNEYS FOR PLAINTIFF

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Andrea S. Thompson

District Clerk

Collin County, Texas

By Lucy Van De Loo Deputy

Envelope ID: 5238312

CIVIL CASE INFORMATION SHEET 401-01850-2015

CAUSE NUMBER (FOR CLERK USE ONLY): _____

COURT (FOR CLERK USE ONLY): _____

DR. RUSSELL FISHER, D.O. VS. UNUM GROUP, INC. INDIVIDUALLY AND DBA PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY
(e.g. John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: <u>J. Neal Prevost</u> Email: <u>sdc@prevostandshaft.com</u> Address: <u>1518 Legacy Dr., Ste. 260</u> Telephone: <u>972-239-6200</u> City/State/Zip: <u>Frisco, Texas 75034</u> Fax: <u>972-239-6205</u> Signature: <u>[Signature]</u> State Bar No: <u>00788222</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Dr. Russell Fisher, D.O.</u> Defendant(s)/Respondent(s): <u>UNUM Group, Individually and dba</u> <u>Provident Life and Accident Insurance</u> <u>Company</u> (Attach additional page as necessary to list all parties)		Person or entity completing sheet is: <input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					

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THE STATE OF TEXAS
CIVIL CITATION
CASE NO.401-01850-2015

Dr. Russell Fisher, D.O. vs. Unum Group, individually
and d/b/a Provident Life and Accident Insurance
Company

In the 401st District Court

Of Collin County, Texas

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: Unum Group
Registered Agent Corporation Service Co
d/b/a CSC-Lawyers Incorporating Service Co
211 E 7th Street Suite 620
Austin, TX 78701, Defendant

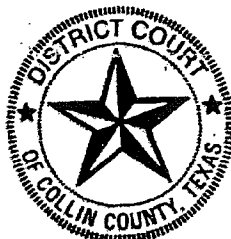
GREETINGS: You are commanded to appear by filing a written answer to **Plaintiff's Original Petition** at or before ten o'clock A.M. on the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 401st District Court of Collin County, Texas at the Courthouse of said County in McKinney, Texas.

Said Plaintiff's Petition was filed in said court, by J Neal Prevost 1518 Legacy Drive Suite 260 Frisco TX 75034 (Attorney for Plaintiff or Plaintiffs), on May 11, 2015, in this case, numbered 401-01850-2015 on the docket of said court.

The natures of Plaintiff's demand is fully shown by a true and correct copy of **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at McKinney, Texas, on this the 13th day of May, 2015.

ATTEST: Andrea Stroh Thompson, District Clerk
Collin County, Texas
Collin County Courthouse
2100 Bloomdale Road
McKinney, Texas 75071
972-548-4320, Metro 972-424-1460 ext. 4320



Signed: 5/13/2015 2:26:23 PM
By Lucy Van De Loo, Deputy
Lucy Van De Loo

The law prohibits the Judge and the clerks from giving legal advice, so please do not seek legal advice. Any questions you have should be directed to an attorney.